

RESOLUTION NO. R2017.137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ORDERING A SPECIAL ELECTION ON MARCH 13, 2018, FOR THE QUALIFIED ELECTORS OF THE CITY OF TEMPE, ARIZONA, FOR THE PURPOSE OF DETERMINING WHETHER TO AMEND THE TEMPE CITY CHARTER, BY ADDING A NEW ARTICLE XI, PAPAGO PRESERVE.

WHEREAS, the City of Tempe 2018 Primary Election will be held on March 13, 2018; and,

WHEREAS, under the Arizona Constitution, a city with a population of more than three thousand five hundred (3,500) people is entitled to establish a charter for its government and that a charter city is granted autonomy over matters of local interests; and,

WHEREAS, the voters of the City of Tempe established the Tempe City Charter in 1964 that governs matters of local interest; and,

WHEREAS, the Tempe City Charter, Article IX, Section 9.02, Charter amendments, provides that Charter amendments may be initiated by the City Council and that all proposed amendments shall be submitted to the qualified electors of the City at a general or special election; and,

WHEREAS, the Arizona Constitution, Article XIII, Section 2 and Arizona Revised Statutes §§ 9-283(C) and 19-143(C) provide that the Tempe City Charter may be amended by amendments proposed and submitted by the City Council of the City of Tempe to the qualified electors at a general or special election; and,

WHEREAS, the Tempe City Council has held public meetings to consider the designation of Papago Park as a Preserve; and,

WHEREAS, a community outreach process has been conducted to discuss and receive public feedback on the designation of Papago Park as a Preserve, to include a public forum, the online Tempe Forum and consideration by the Parks, Recreation, Golf and Double Butte Cemetery Advisory Board; and,

WHEREAS, the Tempe City Council desires to submit a proposed charter amendment on the Special Election ballot to be voted by the voters at the City of Tempe Primary/Special Election on March 13, 2018, to determine whether the Tempe City Charter should be amended to add a new Article XI, Papago Preserve;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AS FOLLOWS:

Section 1. That a Special Election be held on March 13, 2018, in conjunction with the Primary Election to be held on that date.

Section 2. That the following question be submitted to the qualified electors of the City of Tempe, to determine whether the Tempe City Charter should be amended:

SHALL THE TEMPE CITY CHARTER BE AMENDED TO ADD A NEW ARTICLE XI TO READ AS FOLLOWS:

Art. XI. Papago Preserve.

Sec. 11.01 Papago Preserve—defined.

"Papago Preserve" shall be that City-owned real property designated as Papago Preserve by Resolution No. R2017.138 of the City Council.

Sec. 11.02 Disposition of Papago Preserve real property.

When real property is designated as part of Papago Preserve by resolution of the City Council, the designation shall be perpetual unless that designation is removed, in whole or in part, as provided in this section. In no event shall any real property within Papago Preserve be sold, traded, encumbered, or otherwise alienated, redesignated, or deleted from Papago Preserve unless such sale, trade, encumbrance, alienation, redesignation or deletion is submitted to, and approved by, the qualified electors of the City at a general or special election.

Sec. 11.03 Use of Papago Preserve.

(a) Papago Preserve, including its habitat, native plants, and animal communities, shall be preserved in its natural state to the maximum extent practicable. Papago Preserve's archaeological, paleontological, and historical resources and sites shall be preserved to the maximum extent practicable. City facilities existing within Papago Preserve as of March 13, 2018, may be maintained and replaced to provide necessary public services.

(b) By the affirmative vote of at least six (6) members, the City Council shall establish by ordinance, consistent with Section 11.03(a), such permitted uses of Papago Preserve that promote one or more of the following objectives:

1. Provide cultural, educational, and recreational opportunities primarily designed to heighten appreciation and enjoyment of the natural Arizona desert environment.
2. Provide equestrian, pedestrian, and vehicular (whether motorized or otherwise) access into Papago Preserve to heighten appreciation and enjoyment of the natural Arizona desert environment; such access shall comply with the Americans with Disability Act, as that Act may be amended from time to time.

(c) The City Council may adopt a management plan for Papago Preserve consistent with Section 11.03 that is appropriate for the unique nature of the preserve.

(d) Papago Preserve shall not be used except for a permitted use established by the City Council pursuant to this section.

(e) The City Council shall at all time have the power and authority within and in conjunction with Papago Preserve to take appropriate action to:

1. Dedicate necessary rights-of-way and easements required for improving and widening of existing arterial streets and public streets adjacent to or within Papago Preserve.
2. Provide necessary access and utility easements.
3. Renovate and improve, to the extent necessary, City-owned flood control and water treatment facilities.

4. Take all actions necessary to preserve public health and safety.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

YES ☐

NO ☐

Section 3. That the electors favoring the above Charter amendment shall vote "YES" and the electors opposing said amendment shall vote "NO".

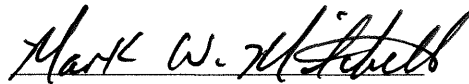
Section 4. That the Special Election shall be held in conformity with the provisions of the Tempe City Charter, Tempe City Code, and the general election laws of the State of Arizona.

Section 5. That the City Council shall cause the ballot and publicity pamphlets to be printed and shall provide a sufficient number of ballots to conduct the election.

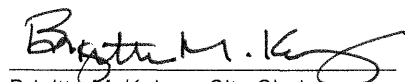
Section 6. That arguments supporting or opposing the Charter amendment to be published in the publicity pamphlet shall be filed electronically with the City Clerk on or before December 13, 2017. Each argument shall not exceed 300 words in length and shall contain the sworn statement of each person sponsoring it. If the argument is sponsored by an organization, the sworn statement of two executive officers are required. If the argument is sponsored by a political committee, the sworn statement of the committee's chair or treasurer is required. Persons signing shall also identify themselves by giving their residence or post office address and a telephone number, which shall not appear in the pamphlet. With each argument supporting or opposing the proposition, one hundred dollars (\$100.00) shall be deposited with the City Clerk to offset a portion of the proportionate cost of paper and printing the argument.

Section 7. That if a majority of the qualified electors of the City voting at the election vote in favor of the proposed Charter amendment, it shall be the duty of the City Council, immediately upon canvassing the vote cast in the election as provided, to transmit a certified copy of the approved Charter amendment to the Governor of the State of Arizona for approval, as provided by the Tempe City Charter and the Arizona Constitution.

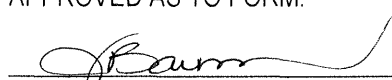
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 9th day of November, 2017.


Mark W. Mitchell, Mayor

ATTEST:


Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:


Judith R. Baumann, City Attorney